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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/313,407	05/18/99	LORRAINE	J 99P7558US01

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EXAMINER

MILLER, C

ART UNIT

PAPER NUMBER

3747

DATE MAILED:

06/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/313,407

Applicant(s)
Lorraine et al

Examiner
Carl S. Miller

Group Art Unit
3747



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor.

In particular, applicant's attention is directed to Figure 1 and column 3, lines 49-63 in which the ability of the injector to be positioned at various depths within the cup is described. The use of such a system allows for vibration and movement of the injectors without the breaking of the system seal.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-10 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassler in view of Taylor.

Taylor applies as noted above and Bassler teaches the details of applicant's clip. Note that both Figures 1 and 2 of Bassler show a gap between the projection on the cup and the sides of the window. This gap will inherently allow for some movement of the injector within the cup.

It would have been obvious to make the clip of Bassler with a somewhat larger window to allow for more axial movement as suggested by Taylor because the latter had clearly

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recognized the problem in the art and solved it while the former had inherently designed his clip for some movement. Finally, Taylor shows a rail assembly and it would have been obvious to use an automated process to produce the assembly.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassler and Taylor as applied to claim 10 above, and further in view of Harrell.

Harrell discusses vibration and temperature concerns which his seal will resist through axial movement of the injector within the injector cup. Because Harrell is a gasoline injector mounted in an air manifold the test conditions ~~would~~ be in the same ranges as applicant's thereby making it obvious to test the Bassler device in a similar manner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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JUNE 23, 2000
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Primary Examiner